

CORNELIUSSEN et al
Appl. No. 10/050,043

REMARKS/ARGUMENTS

Favorable reexamination of the captioned application is respectfully requested.

A. OVERVIEW OF AMENDMENT AND REMARKS

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Amend claims 1-4, 6 - 7, 13-14, 16-17 and 19.
3. Respectfully traverse all prior art rejections.

B. SELECTED COMMENTS CONCERNING THE DISCLOSURE

Applicants' disclosure relates to a telecommunication system that provides a means for initiating a traditional call between parties to the call and in its capacity as service oriented network, a means for providing a supplementary subscriber specific service. The basic call service enables the provision of a basic call which, once established, will provide the typical basic service of transporting information between the parties. In the case of the traditional network, whether it be a POTS based or IP based network, there is usually also an additional service beyond the basic party-to-party information transport service. The supplementary subscriber specific service may, for example, be a "ring back later on busy" service, as known from the prior art documents referred to in the specification of the present application. The user terminal operating with the traditional network is typically adapted to directly activate the signalling system to establish a connection between the parties to a call¹. This is due to the fact that the

¹ This fact is clearly recognised also by the disclosure of Thornton in US 6,363,065, also with respect to the parts of the disclosure found in column 18, lines 18-24. That part must be read in context, particularly with regard to that which is disclosed by Thornton in the next paragraphs following immediately the part cited by the Examiner.

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counterpart of the caller requesting functionality of the subscriber terminal is the signalling system of the network.

C. PATENTABILITY OF THE CLAIMS

Claims 1-6, 14, 15 and 17-19 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,363,065 to Thornton et al. Claims 7 and 20 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,363,065 to Thornton et al as applied to claim 6 and in view of U.S. Patent 6,738,390 to Xu et al. Claims 13 and 16 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,363,065 to Thornton et al and in view of U.S. Patent 6,760,324 to Scott et al and further in view of U.S. Patent 6,738,390 to Xu et al. All prior art rejections are respectfully traversed for reasons including the following.

To more clearly differentiate independent claim 1 from Thornton, claim 1 has been amended by identifying different services. More specifically, independent claim 1 now refers not only to the basic call service for providing a means for transporting information between subscribers (the basic service substantially comprising functionality for call set-up, call maintenance and call tear down), but also to an added subscriber specific service functionality, which can be handled separate from and independently of the basic call service.

By this claim distinction, the disclosure of Thornton may not be considered a bar for the patentability of independent claim 1, since Thornton does not make such a distinction. Rather, as one will see from the Thornton disclosures of columns 18 and 19, and in particular starting on column 18, line 48, through column 19 to line 58, Thornton is limited to providing basic call control functionality and handling of managerial, administrative, and support tasks related to basic call service. Thornton does not disclose the combination of a service handler for handling an added subscriber specific service

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functionality in cooperation with a network side service executor for executing the added subscriber specific service as disclosed by the present invention.

Accordingly, the dependent claims that refer to claim 1 should also be considered novel and inventive over the cited references.

As explained below, various dependent claims depending on independent claim 1 have yet separate patentable merit.

The Examiner has rejected claim 3 as being anticipated by Thornton, apparently citing Thornton, column 5, lines 29-45, column 33, lines 34-50. With all due respect, in column 5, lines 29-45 Thornton only speaks of information related to the handling of a particular call as being part of a basic call service, since the "peered gateways" as disclosed by Thornton are "twin" devices that provide a mutual backup for each other, wherein the so called "call independent signalling" is indeed related to a particular basic call service for conveying information between the "peered gateways" required for one gateway to take on the responsibility of all control needed to set up, maintain and terminate a basic call if the other gateway should fail. Again, Thornton does not identify a supplementary subscriber specific service functionality or a separate set of entities that handle and execute the added service functionality independently of other entities that are adapted to handle or provide the traditional basic call service.

The same considerations also apply to the disclosure of Thornton in column 33, lines 35-50, where Thornton et al only describes how a basic call service may be maintained by switching between different media carriers, such as for example a switching between a packet switch network and a circuit switched network, and thereby also the capability of handling different protocols for maintaining a call. Of course, maintaining a call will also include the functionality required for completing a set-up procedure, or completing a tear-down procedure, even when a change of network type

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may be required during the execution of any of those procedures. This, however, is again part of the basic call service, and is, as such, not related to inventive aspects of independent claim 1 which provides a solution to the handling of the added service functionality for providing an improved telecommunication network where the procedures being part of the basic call service may not even be invoked if the service executor of the present invention finds that there is an added subscriber specific service activated that dictates that a call set-up should not be attempted. As an example, one may consider a "ring back later on busy" service that has been configured by a subscriber that does not wish to miss any calls to the subscriber's terminal.

Claims 4, 14 and 17 stand rejected, based on the Examiner's reference to Thornton et al, the teaching on item 505 of figure 5, column 23, lines 42-43, "configuration and manager". Yet in view of the explanations given above, and in particular with respect to the handling of the added subscriber specific service functionality, which is separate from the basic call service and call control functions related to the basic call service, the service configuration element of these dependent claims relates to the supplementary subscriber specific service functionality, and not to the functionality provided by the "peered gateway" of Thornton, which, according to the disclosure of Thornton, requires configuration information in order to be able to select the appropriate type of protocol and/or network type needed for inter-gateway communication or communication facilities that can be made available for providing and maintaining a basic call service. Thus, the peered gateway of Thornton et al could be included as part of a network that Accordingly, the features of claim 4, now amended to distinguish the added subscriber specific service from the basic call service, should be considered novel and inventive over the disclosure of Thornton et al.

Claims 5, 15 and 18, stand rejected by the Examiner's reference to the teachings of Thornton on column 5, lines 29-45, and the disclosure related to the H.323 call set-up.

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Here also, in consideration of the argument presented above with respect to claims 1 and 3, Thornton's disclosure is limited to a technical solution that deals only with the basic call service, and does not provide a means for managing, handling and executing the supplementary subscriber specific service, or any related functionality, that is the topic of these claims. However, in one of Applicants' embodiments, the service executor for executing the added subscriber specific service would be adapted to communicate with a corresponding service executor of a cooperating service oriented telecommunication system, thereby also allowing a call set-up according to H.323 or SIP. Thornton et al have not identified the possibility of employing SIP, and indeed not as disclosed by the these claims.

Finally, with respect the Examiner's rejection of claims 6 and 19, based on the teachings of Thornton et al in column 4, line 44, to column 7, line 6, the service problem referred to by Thornton et al is related to problems concerning the basic call service, and not related to problems due to an activated supplementary subscriber specific service that may be totally independent of the means employed for establishing, maintaining or tearing down a basic call service. Accordingly, in consideration of the distinctive differences between the type of services provided by the disclosure of Thornton et al, Thornton et al do not disclose the features of the these claims.

In enumerated paragraphs 7 and 8 of the Action, the Examiner rejects claims 7, 20 as being unpatentable of Thornton et al in view of Xu et al, and rejects claims 13 and 16 as being unpatentable over Thornton et al in view of Scot et al, and further in view of Xu et al.

With regard to the Examiner's rejections of claims 7, 20, 13 and 16, the arguments referred to above are also valid, particularly since the disclosures referred to by the Examiner, such as for example column 1, lines 21-34 of Xu et al, is limited to art that generally relates to the basic call service, and administrative or managerial functionality

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related thereto, and do not concern themselves in any way with suggesting or providing separate functionality for handling and executing additional subscriber specified services of the type referred to by the present claims. The lack of any disclosure in the references cited by the Examiner that could give a person skilled in the art a hint or clue of the presently claimed subject matter must therefore be taken into consideration in the assessment of the patentability of the amended claims.

D. MISCELLANEOUS

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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